



Docket No.: S0595.0078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Deborah Chrisman et al.

Application No.: 10/034,369

Confirmation No.: 8707

Filed: December 28, 2001

Art Unit: 3623

For: SYSTEM AND METHOD FOR
SCHEDULING AND TRACKING RETAIL
STORE RESETS AND REMODELS

Examiner: B. Van Doren

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Notice of Non-Compliant Appeal Brief dated January 16, 2007. Please substitute the attached Appeal Brief for the Appeal Brief previously submitted in the above-identified matter.

As required under § 41.37(a), this brief was originally filed within two months of the Notice of Appeal filed in this case on October 16, 2006, and is in furtherance of said Notice of Appeal.

The fee of \$500.00 required under Section 1.17(f) was previously submitted herewith.

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Spar Group, Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal. See Appendix A.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 43 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-43
4. Claims allowed: None
5. Claims rejected: 1-43

C. Claims On Appeal

The claims on appeal are claims 1-43

IV. STATUS OF AMENDMENTS

Appellant filed a Notice of Appeal on April 29, 2005, and an Appeal Brief on June 10, 2005. In response to the Appeal Brief, a new Office Action was issued. Appellant responded to the new Office Action in a Response without any amendments on December 16, 2005. A Final Office Action was issued on March 10, 2006, in which the Examiner indicated that Appellant's arguments were not persuasive. Appellant filed the current appeal in response.

Accordingly, the claims enclosed herein as Appendix B incorporate the amendments indicated in the paper filed by Appellant on July 25, 2003.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a system and method for electronically managing store resets and store remodels. According to the present system and method, a communication network allows retailers, manufacturers, and other associated parties to automatically manage labor directed to retail store resets and remodels.

There are three independent claims currently pending in the above captioned application, claims 1, 19, and 32. Appellant will provide an overview of the claimed subject matter and then address each independent claim individually.

A. Overview

Retail stores constantly remodel and reset the product configurations of their stores. Managers face the daunting task of scheduling and tracking labor requirements for store remodels and/or resets. The amount of labor required

depends upon many things including the size of the store, the quantity of the products being changed and the type or volume of the products involved. Typically, the labor costs associated with a remodel or reset are borne by the manufacturers. Thus, in many situations, labor costs are shared by multiple manufacturers. These costs should be divided so that each manufacturer pays their fair share of the costs.

In accordance with the claimed method, information related to stores, products, and labor are received electronically. Additionally, labor requirements including the time required to perform a specific activity are received. In one embodiment, the labor requirements are provided in man-hours. When a store activity is to be performed, the amount of labor needed to perform the specific activity is automatically determined using the store information, product information, labor information, and labor requirements. The party or parties contributing the labor are then electronically notified.

According to one embodiment of the invention, the cost for the labor to perform the store reset or restock is divided among various payors based on the data received. As such, the cost of the labor is fairly divided.

The above-captioned application also includes a system for communicating with a user across a network to manage store activity. The system includes a site processor that receives requests from user terminals through the communication network. A first software module determines total labor needed to perform a store activity as a function of store information, product information, labor information, and labor requirements. A second software module schedules the required store activity and notifies parties

contributing labor to the store activity as well as transmits details of the store activity to the parties. A third software module receives feedback from the parties contributing labor to the store activity.

B. Claim 1

Claim 1 recites a method for managing store activity.

Store information is electronically received. See Pars. 59-64; Figs. 4, 5. Store information includes information related to stores e.g., status of the store (e.g., active or inactive), store address, telephone number, and descriptive comments which the user deems significant. See Par. 59; Fig. 5.

Product information is electronically received. See Pars. 64-67; Figs. 6, 7. Product information includes information related to products e.g., a numeric code and descriptive name identifying the category and manufacturers 42 who offer the product category 38 for sale. See Pars. 66-67, Figs. 6, 7.

Labor information is electronically received. See Pars. 67-72, Figs. 7, 8. Labor information includes information related to labor, e.g., product information that can impact required labor.

Labor requirements 40 are electronically received. See Pars. 68-72, Fig. 8. The labor requirements 40 represent estimates of time required to perform said store activity, e.g., store remodel or reset. See, Par. 70.

A request for labor to perform said store activity is received. See Pars. 83-89; Figs. 12-13.

An amount of labor needed to perform the store activity is automatically determined using the store information (34, 36, 37), the product information (38), the labor information (34, 46), and the labor requirements (40). See Par. 86

Parties contributing the determined labor are electronically notified (step S122). See Par. 91.

C. Claim 19

Claim 19 recites a method for using a user terminal 14 coupled to a site processor 12 across a communication network 16 to manage store activity.

Store information is electronically received. See Pars. 59-64. The store information includes at least one of individual store characteristics, store locations, store departments and store groups. See Par. 59; Fig. 5.

Product information is electronically received. See Pars. 64-67; Figs. 6, 7. The product information including at least one of individual product characteristics, product categories 38 and manufacturers 42. See Pars. 66-67, Figs. 6, 7.

Labor information is electronically received. See, Pars. 67-72, Figs. 7, 8. The labor information including at least one of labor brokers 44, manufacturers 42 and labor forces 46. See Pars. 76-81.

Labor requirements 40 are electronically received. See, Pars. 68-72, Fig. 8. The labor requirements 40 representing estimates of time required to perform the store activity for each of said product categories. See, Par. 70.

A fair share of a total amount of labor needed to perform said store activity is determined as a function of at least one of said store information, said product information, said labor information and said labor requirements 40. See Pars. 89, 110-113, 120; Figs. 12, 13.

The store activity is electronically scheduled. See Par. 102, 120, 121. Additionally, the parties contributing labor to the store activity are notified and details of said store activity are transmitted to the parties. See Par. 121

Feedback from said parties contributing said labor to said store activity is electronically received. See Par. 121-122.

D. Claim 32

Claim 32 recites a system for communicating with a user terminal 14 across a communication network 16 to manage store activity.

A site processor 12 adapted to receive requests from said user terminal 14 through said communication network 16. See Pars. 36-45.

a first software module operating on said site processor, said first software module determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of store information, product information, labor information and labor requirements 40. See Pars. 89, 110-113, 120; Figs. 12, 13.

A second software module operating on said site processor 12, said second software module scheduling said store activity, said second software module further notifying parties contributing labor to said store activity and transmitting details of said store activity to said parties. See Par. 102, 120, 121.

a third software module operating on said site processor, said third software module electronically receiving feedback from said parties contributing labor to said store activity. See Par. 121-122.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The rejection of claims 1-43 under 35 U.S.C. § 103(a) as being unpatentable over Certified Marketing Services ("CMS") in view of U.S. Patent No. 4,947,322 ("Tenma").

VII. ARGUMENT

Claims 1-43¹ stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Certified Marketing Services ("CMS") in view of U.S. Patent No. 4,947,322 ("Tenma"). Appellants submit that the combination of CMS and Tenma fails to disclose the claimed invention.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references,

¹ Claims 1-43 are presently on appeal. Appellants present arguments with respect to independent claims 1, 19, and 32. As each of the dependant claims stand or fall together with the independent claim from which they depend, the dependent claims are not argued separately.

whether taken individually or in combination, do not disclose or suggest the invention claimed by the Appellants.

In the present case, the cited combination fails to disclose at least one limitation in each of the independent claims.

- A. Claim 1 and its dependent claims are allowable over the cited combination.

In the previous Appeal Brief, filed June 10, 2005, Appellants argued that with respect to claim 1, CMS fails to disclose “automatically determining an amount of said labor needed to perform said store activity using said store information, said product information, said labor information, and said labor requirements. Independent claim 1 requires:

automatically determining an amount of said labor
needed to perform said store activity using said store
information, said product information, said labor
information and said labor requirements

The portions of the CMS materials cited by the Office are completely silent with respect to how the amount of labor is determined and what information is used in making such a determination. There is simply no disclosure or even suggestion as to how CMS determines the labor requirement, or what information it uses, let alone how the information is collected (see below).

The cited portion of the CMS material on page 1, specifically, sections 1 and 2, merely state that it provides merchandising and detailing services, not how these services are actually accomplished or administered. In fact, CMS explicitly states that “[o]ur account managers will work one-on-one with you, from

inception through completion, in order to meet your goals.” This statement suggests that CMS’s process for determining labor requirement is a case-by-case customized process, just the opposite of the claimed automatic process.

The CMS materials cited at page 4, section 1, indicate that the process for determining the labor requirements is a custom process, individually developed, directed and supervised by the CMS account manager. Appellants respectfully submit that the customized, case-by-case, labor determination process described in the CMS materials does not fall within the scope of the claimed term.

The CMS materials cited at page 4, section 2, describe the ICAST product. As previously argued, CMS’s ICAST product performs functions that occur after the labor determination has already been performed. This post labor determination step in no way teaches or suggests the claimed automatic determination of the amount of labor required to perform the store activity. Electronic systems for performing such coordination and tracking as described with respect to the ICAST system are known in the art and admitted by the Appellants.

As further described below, the CMS material cited on pages 6 and 7 relate to the collection of marketing data by CMS and do not teach or suggest anything with respect to the determination of the amount of labor needed. The data entered on pages 6 and 7 are used “[i]f you represent a company and would like more information regarding CMS services.” Page 9 of the cited CMS materials describes how the laborer interfaces with CMS. In fact, laborers log in and request assignments in contrast to the claimed notifying of the parties

providing labor. Again, this portion of the CMS material does not teach or suggest anything with respect to the determination of the amount of labor needed. Finally, on cited page 13, CSM describes the types of signage conversion and installation services that it performs. Again, this section of the CMS materials does not contain any disclosure of how the labor requirements for performing these functions is determined.

The automated labor determination is made “using said store information, said product information, said labor information and said labor requirements.” Claim 1 further requires that all of the information used in this automatic labor determination is received electronically. Appellants respectfully submit that the electronic collection of data disclosed on pages 6 and 7 of the CMS materials is merely used for marketing CMS’s services and is not used whatsoever in CMS’s labor determination process. Specifically, above section 1 on page 6, CMS specifically states that “If you represent a company and would like more information regarding CMS services, please provide the information below.” Appellants respectfully submit that one skilled in the art would interpret this web page on the CMS website to merely be a tool for collecting marketing data about potential customers. There is no disclosure or even suggestion that CMS uses this information for anything other than marketing purposes. As previously argued, the type of information captured electronically on this web page by CMS system can absolutely not be used to determine the labor required as recited in independent claim 1.

As discussed above, CMS fails to disclose electronically receiving labor requirements, said labor representing estimates of time required to perform said

store activities. The Office Action admits that CMS fails to disclose automatic determination of labor requirements. See Office Action at 8. In order to cure this deficiency, the Office Action includes Tenma.² However, Tenma fails to cure this deficiency.

Tenma merely discloses a system for controlling the availability of goods in which a planner can provide a satisfactory layout of goods in a short time period. Tenma is only concerned with goods layout. There is no disclosure in Tenma relating to the automatic determination of labor as explicitly recited in claim 1. As discussed above, CMS fails to determine the amount of labor needed for a location based on the information received in the automatic labor request and then automatically post the request as a contract for field workers. See Final Office Action at 8-9. The combination of CMS and Tenma fails to disclose automatically determining an amount of said labor needed to form said store activity using said store information, said product information, said labor information, and said labor requirements. Thus, Appellants request the Board order the withdrawal of the Examiner's rejection.

- B. Claim 19 and its dependent claims are allowable over the cited combination.

Independent claim 19 requires:

² It should be noted that the Examiner asserts that Tenma was not relied upon to disclose automatic determination of labor but for its disclosure of receiving product information, this product information related to products and used to reset a shelf. See Final Office Action at 3. The cited combination does not set for the a prima facie case of obviousness because Tenma was not included to cure the deficiency in the prior art noted in the Final Office Action but to show additional limitations, which, even if it were to disclose, do not cure the deficiency noted in the Final Office Action and addressed herein.

determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of said store information, said product information, said labor information and said labor requirements

Appellants submit that term “fair share” as is known in the merchandising industry is not the same as “fair share” as used generally with respect to labor.

The ordinary and customary meaning of a claim term is determined by consulting a variety of sources, including the claims themselves, dictionaries, treatises, the written description in the patent, and the prosecution history. See Brookhill-Wilk 1, LLC v. Intuitive Surgical Inc., 334 F.3d 1294, 1298 (Fed. Cir. 2003). “The written description must be examined in every case” Id.

An inventor, acting as a lexicographer, may bestow “a special meaning to a term in order to convey a character or property or nuance relevant to the particular invention.” Multi-form Desiccants, Inc. v. Medzam, Ltd., 133 F.3d 1473, 1477 (Fed. Cir. 1998). The Court must therefore examine a patent’s specification to determine whether the patentee has given the term a specific meaning. See Vitronics Corp., 90 F.3d at 1582. Indeed, “[a] claim must be read in view of the specification of which it is a part,” and to do otherwise is legal error. Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 621 (Fed. Cir. 1995) (emphasis added).

Fair share³ is described in the present specification, for example, at Pars. 8 and 89. In most store re-models and re-sets, the affected area of the store typically involves the products of several manufacturers. The concept of “fair share” divides the total cost of the labor involved to complete the reset among the various manufacturers whose products were involved in the reset. This is often a difficult calculation as it cannot be simply done on a volume basis, as certain products require more labor to perform the reset as others do. Similarly, the “fair share” cannot be calculated on a shelf space basis as certain products which require more shelf space can actually be performed more quickly in comparison to a different product with less shelf space. Accordingly, the methods and systems of the present invention perform the “fair share” analysis on the basis of the system’s knowledge of the store, the product, the labor required for re-setting a particular product, and other factors as described throughout the specification and recited in the claims of the present application.

As admitted in the Office Action, neither CMS nor Tenma disclose, teach or suggest any way whatsoever in which the “fair share” can or should be determined. In fact, CMS does not discuss the concept of fair share at all. Applicants therefore respectfully submit that the discussion in the Final Office Action at page 20 regarding the compliance with labor standards is inapplicable to the present invention.

³ It should be noted (as described in the present specification) manufacturers themselves typically do not provide the labor for performing the re-sets and hire third-party merchandisers (such as CMS) to perform this service for them. Accordingly, an accurate accounting of each manufacturer’s fair share of the labor’s cost is absolutely essential.

It appears that the Examiner is attempting to take official notice that “fair share” is well known in labor industries. In accordance with Patent and Trademark Office practice, an Examiner can only rely upon official notice when the facts asserted are “capable of instant and unquestionable demonstrations as being well known.” M.P.E.P. § 2144.03[a]. For this reason, “in limited circumstances, it is appropriate for an Examiner to take official notice of facts not in the record or to rely on ‘a common knowledge’ in making a rejection; however, such rejection should be judicially applied.” M.P.E.P. § 2144.03. The Examiner improperly takes Official Notice of facts of a type specifically held out to be the subject of Official Notice.

The Final Office Action states that “fair share” is well-known in labor industries and that it would have been obvious to one of ordinary skill in the art at the time of the invention to “determine hours required for each worker based on fair share requirements in order to increase the usefulness of the tool in the market by having the tool comply with labor standards.” However, the issues of whether fair share allocation are routine is exactly the type of thing that official notice may not be relied upon for. See, M.P.E.P. § 2144.3[a] (“[W]e reject the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to taking of such notice,” citing, In re Eynde, 480 F.2d 1364, 1307 (C.C.P.A. 1973).)

The Examiner refers to two articles to show that “fair share” is well known in the labor industries. The Examiner refers to Blank, Christine “Shelf Service; a greater Reliance by Supermarketers on Third-Party Merchandisers”

Supermarket News, March 21, 2001, and Mumford, Karen "Men, Women, and the Hiring function," Economic Record, 2000. It is noted that the rejection of claims 1-43 is solely based on the CMS and Tenma references and are not based on the Blank or Mumford references. Again, it appears the Examiner is using the Blank and Mumford references to support the assertion that the meaning of "fair share" is well known in the art., i.e., Official Notice. However, neither of these references utilize or disclose "fair share" within the meaning or scope of the present claims as interpreted in light of the specification. Blank uses the term "fair share" with respect to supporting participants equally. Mumford uses the term "fair share" with respect to percentages of men and women being hired. As such, neither reference sets forth the meaning that fair share is the division of the total cost of the labor involved to complete a re-set among various manufacturers whose products were involved in the re-set. As such, the Examiner cannot take official notice that "fair share" as set forth in the claims is well known.

Appellants have shown that the CMS system does not describe a system for automatically determining the labor required to perform a store activity. Appellants have furthermore shown that the CMS reference does not in any way disclose, teach or suggest the determination of a "fair share" of labor required to perform the store activity. As such, Appellants respectfully submit each of the claims of the present application are patentably distinguished from the CMS reference. As each of the claims of the present application are currently in condition for allowance, such action is earnestly solicited.

As CMS and Tenma do not teach or suggest making a “fair share” determination, Appellents request the Board to order the withdrawal of the rejection of independent claim 19 and its dependent claims.

- C. Claim 32 and its dependent claims are allowable over the cited combination.

Claim 32 is a system implementation of the fair share method as described above with respect to claim 19. As the neither the CMS system nor Tenma describe a first software module that determines the “fair share of labor”, the Board must order the withdrawal of the rejection of independent claim 32 and dependent claims 33-43

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix B. As indicated above, the claims in Appendix B include the amendments filed by Appellant on July 25, 2003.

IX. EVIDENCE

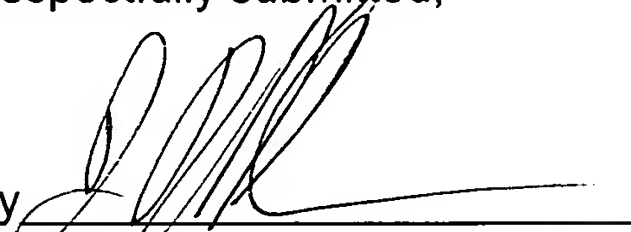
No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted. See Appendix C.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II above, nor are there any decisions in related proceedings. See Appendix D.

Dated: February 7, 2007

Respectfully submitted,

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APPENDIX A

RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

APPENDIX B

Claims Involved in the Appeal of Application Serial No. 10/034,369

1. A method for managing a store activity, said method comprising:
 - electronically receiving store information, said store information including information related to stores;
 - electronically receiving product information, said product information including information related to products;
 - electronically receiving labor information, said labor information including information related to labor;
 - electronically receiving labor requirements, said labor requirements representing estimates of time required to perform said store activity;
 - receiving a request for labor to perform said store activity;
 - automatically determining an amount of said labor needed to perform said store activity using said store information, said product information, said labor information and said labor requirements; and
 - electronically notifying parties contributing said determined labor.
2. The method of claim 1, wherein said store information further includes at least one of individual store characteristics, store locations, store departments and store groups.
3. The method of claim 2, further comprising providing at least one graphic representation of said stores in response to said electronically received store information, said at least one graphic representation comprising at

least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

4. The method of claim 1, wherein said product information further includes at least one of individual product characteristics, product categories and manufacturers.

5. The method of claim 1, wherein said step of determining said amount of labor comprises estimating time required to perform said store activity.

6. The method of claim 1, wherein said step of determining said amount of labor further comprises determining a fair share of a total amount of labor needed to perform said store activity as a function of said store information, said product information and said labor information.

7. The method of claim 6, wherein said step of determining said fair share comprises identifying a total number of hours required for each of said parties with respect to said store activity.

8. The method of claim 1, wherein said labor information further includes at least one of identification of labor brokers, identification of manufacturers and identification of labor forces.

9. The method of claim 1, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

10. The method of claim 1, wherein said determined labor is presented as a number of hours.

11. The method of claim 1, further comprising generating a plurality of reports, said plurality reports including an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

12. The method of claim 1, further comprising electronically receiving feedback from said parties contributing said determined labor.

13. The method of claim 1, further comprising transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

14. The method of claim 13, wherein said step of transmitting a feedback call form comprises defining a first question regarding said store activity, identifying a format for a first answer to said first question, defining a second question in response to said first answer to said first question, and defining a third question in response to a third answer to said first question.

15. The method of claim 1, further comprising modifying at least one of said store information, product information and labor information.

16. The method of claim 1, further comprising determining a degree of compliance of each of said parties contributing said labor to said store activity.

17. The method of claim 16, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

18. The method of claim 16, further comprising assigning fines to parties for noncompliance.

19. A method for using a user terminal coupled to a site processor across a communication network to manage a store activity, said method comprising:

- electronically receiving store information, said store information including at least one of individual store characteristics, store locations, store departments and store groups;
- electronically receiving product information, said product information including at least one of individual product characteristics, product categories and manufacturers;
- electronically receiving labor information, said labor information including at least one of labor brokers, manufacturers and labor forces;
- electronically receiving labor requirements, said labor requirements representing estimates of time required to perform said store activity for each of said product categories;
- determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of said store information, said product information, said labor information and said labor requirements;
- electronically scheduling said store activity, said step of electronically scheduling including electronically notifying parties contributing labor to said store activity and transmitting details of said store activity to said parties; and
- electronically receiving feedback from said parties contributing said labor to said store activity.

20. The method of claim 19, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

21. The method of claim 19, wherein said fair share of labor is presented as a number of hours.

22. The method of claim 19, further comprising generating a plurality of reports.

23. The method of claim 22, wherein said plurality of reports comprises an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

24. The method of claim 19, further comprising transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

25. The method of claim 24, wherein said step of transmitting a feedback call form comprises defining a first question regarding said store activity, identifying a format for a first answer to said first question, defining a second question in response to said first answer to said first question, and defining a third question in response to a third answer to said first question.

26. The method of claim 19, wherein said step of determining said fair share comprises identifying a total number of hours required for each of said manufacturers with respect to said store activity.

27. The method of claim 19, further comprising modifying at least one of said store information, product information and labor information.

28. The method of claim 19, further comprising determining a degree of compliance of each of said parties contributing said labor to said store activity.

29. The method of claim 28, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

30. The method of claim 28, further comprising assigning fines to parties for noncompliance.

31. The method of claim 19, further comprising providing at least one graphic representation of said stores in response to said electronically received store information, said at least one graphic representation comprising at least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

32. A system for communicating with a user terminal across a communication network to manage store activity, said system comprising:
a site processor adapted to receive requests from said user terminal through said communication network;

a first software module operating on said site processor, said first software module determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of store information, product information, labor information and labor requirements;

a second software module operating on said site processor, said second software module scheduling said store activity, said second software module further notifying parties contributing labor to said store activity and transmitting details of said store activity to said parties; and

a third software module operating on said site processor, said third software module electronically receiving feedback from said parties contributing labor to said store activity.

33. The system of claim 32, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

34. The system of claim 32, wherein said fair share of labor is presented as a number of hours.

35. The system of claim 32, further comprising a fourth software module operating on said site processor, said fourth software module generating a plurality of reports.

36. The system of claim 35, wherein said plurality of reports comprises an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

37. The system of claim 32, further comprising a fifth software module operating on said site processor, said fifth software module transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

38. The system of claim 37, wherein said feedback call form comprises a first question regarding said store activity, a second question defined in response to a first answer to said first question, and a third question defined in response to a third answer to said first question.

39. The system of claim 32, wherein said fair share comprises identifying a total number of hours required for each of said manufacturers with respect to said store activity.

40. The system of claim 32, further comprising a sixth software module operating on said site processor, said sixth software module modifying at least one of said store information, product information and labor information.

41. The system of claim 32, further comprising a seventh software module operating on said site processor, said seventh software module determining a degree of compliance of each of said parties contributing said labor to said store activity.

42. The system of claim 41, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

43. The system of claim 32, further comprising an eighth software module operating on said site processor, said eighth software module providing at least one graphic representation of said stores in response to said store information, said at least one graphic representation comprising at least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

APPENDIX C

EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX D

RELATED PROCEEDINGS

No related proceedings are referenced in II above, nor are there any decisions in related proceedings.